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8	BEFORE THE BOARD OF REGISTERED NURSING		
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
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11	In the Matter of the Accusation Against: Case No. 2011 - 68		
12	JAYSON SERAPIO PATRICIO		
13	19127 Benfield Avenue Cerritos, CA 90703 A C C U S A T I O N		
14	DNI 626100		
15	Registered Nurse License No. RN 626100		
16	Respondent.		
17	Complainant alleges:		
18	PARTIES		
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20	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.		
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23	2. On or about September 16, 2003, the Board of Registered Nursing (Board) issued		
24	Registered Nurse License No. RN 626100 to Jayson Serapio Patricio (Respondent). The		
25	Registered Nurse License was in full force and effect at all times relevant to the charges brought		
26	herein and will expire on August 31, 2011, unless renewed.		
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JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

- 4. Section 490 states:
- "(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.
- "(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.
- "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code."
 - 5. Section 810 states:
- "(a) It shall constitute unprofessional conduct and grounds for disciplinary action, including suspension or revocation of a license or certificate, for a health care professional to do any of the following in connection with his or her professional activities:
- (2) Knowingly prepare, make, or subscribe any writing, with intent to present or use the same, or to allow it to be presented or used in support of any false or fraudulent claim."

6. Section 2750 states:

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"Every certificate holder or licensee, including licensees holding temporary licenses, or licensees holding licenses placed in an inactive status, may be disciplined as provided in this article [Article 3 of the Nursing Practice Act (Bus. & Prof Code, § 2700 et seq.)]. As used in this article, "license" includes certificate, registration, or any other authorization to engage in practice regulated by this chapter. The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code [the Administrative Procedure Act], and the board shall have all the powers granted therein."

Section 2761 states: 7.

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- "(a) Unprofessional conduct, which includes, but is not limited to, the following:
- "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it."

REGULATORY PROVISIONS

California Code of Regulations, title 16, section 1444, states: 8.

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. . ."

COST RECOVERY

Section 125.3 of the Code provides, in pertinent part, that the Board may request the 9. administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

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(Insurance Fraud).

10. Respondent is subject to disciplinary action under section 2761, subdivision (a)(1), in conjunction with California Code of Regulations, title 16, section 1444, for Insurance Fraud, in that on or about January 9, 2008 and January 28, 2008, while working as a registered nurse for Trinity Care Extended Care, Respondent falsified Medi-Cal patients records by documenting home visits and head to toe assessments he did not conduct. Respondent also made up clinical notes and billing records, on these dates.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

Respondent is subject to disciplinary action under sections 2750 and 810, subdivision (a)(2) for unprofessional conduct as defined in section 2761, subdivision (a), in that while working as a registered nurse, at Trinity Care Extended Care, on January 9, 2008 and January 28, 2008, Respondent acted in an unprofessional manner when he falsified patients' records and made up clinical notes and billing records. Complainant refers to, and by this reference incorporates, the allegations set forth in paragraph 10, as though set forth fully. /// /// /// /// /// /// /// /// /// ///

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

PRAYER

- 1. Revoking or suspending Registered Nurse License No. RN 626100, issued to Jayson Serapio Patricio;
- 2. Ordering Jayson Serapio Patricio to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
 - 3. Taking such other and further action as deemed necessary and proper.

DATED:	7/20/10	Louise K. Bailey
		LOUISE R. BAILEY, M.ED., RN
		Interim Executive Officer
	`	Board of Registered Nursing
		Department of Consumer Affairs

State of California Complainant

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